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HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6509 OF 2007.

D. K. Khurd. ..Petitioner.

V E R S U S

Chief General Manager,
Bharat Sanchar Nigam Ltd. & others...Respondents.

Mr. Milind R. Deshpande for the petitioner.

CORAM: S. B. MHASE &
D.G.KARNIK,JJ.

DATE: September 7, 2007.

P.C.

1. Heard. The petition has been filed by a workman of respondent no.1 who suffered injury while he was on duty arising out of the course of employment. Since the compensation was not paid this writ petition has been filed. It is a well settled principle that applications for compensation are to be entertained and decided by the Commissioner for Workmens Compensation under the Workmen's Compensation Act. Therefore, this petition is misconceived. We therefore refrain to entertain the petition.

2. Before parting with this matter we are very sorry to observe that such petition has been filed through the Legal Aid Committee on the advice given by the Panel Advocates. In the circumstances stated below

we find that it did not warrant any litigation on the part of the Legal Aid Committee.

. The so called accident has taken place on 1st October, 1961. Thereafter the petitioner was on duty and worked with the respondent upto 14th April 1967. The period of limitation to file the claim under the Workmen's Compensation Act is two years from the date of accident. Therefore, the petitioner should have filed the application for getting compensation before 1st October 1963. Instead, it appears that the petitioner continued to make representations to the employer which were not entertained by the employer. When the petitioner approached the Legal Aid Committee for legal aid, the matter was not only time barred but it was an absolutely a stale claim. Therefore, the counsel for the Legal Aid Committee should have advised that this is not a fit case to file any proceeding either in the High Court or before the Commissioner for Workmen's Compensation. However, unfortunately it appears that the legal aid committee has been advised by the Counsel that the matter can be prosecuted in the High Court and sanction appears to have been given to file the present writ petition. Thus, the present writ petition is filed in this Court after 35 years of the so called accident. The facts eloquently speak and depict in what manner the panel advocates of the Legal Aid Committee are working. We, therefore direct the persons in charge of the legal aid committee to see

that the matters are properly scrutinised and the unwarranted litigations is not be filed at the behest of the Legal Aid Committee, henceforth. This not only puts the pressure on Courts but also causes loss to the Government which pays fees to the advocates on the panel of legal aid committee. With these observations we dispose of the writ petition.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**